

N. A. GARNER, Sworn for the State. I went to the Southern Railroad Yards at the lower end of Decatur Street today about one o'clock to look for J. E. Duffy in order to subpoena him to go before an official court stenographer to make a statement for the hearing of an extraordinary motion for new trial in the Leo M. Frank case, or to get him to sign an affidavit which I had written out. The first time I saw him at this time was when he came out of a little shanty in the railroad yards and started walking fast toward some box cars. As soon as I saw him I started running after him but before I could get over to the shanty, he was out of sight, there being many box cars standing on the tracks all around there which prevented my finding him or seeing which way he went. As soon as I got over to the shanty, though I saw Mr. L. P. Eubanks, who told me that he had been talking with Duffy just a moment before and Duffy had said: "Yonder's a fellow I don't want to see." Eubanks asked him "Who is it?" Duffy Replied, so Eubanks told me: "Newt Garner, and Duffy replied "I'm going' to beat it," and immediately left. For three quarters of an hour I searched around among the box cars looking into many empty box cars, hoping to find Duffy, but finally left without finding him.